

**United States District Court  
for the District of Massachusetts**

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**  
*(Probation Form 49, Waiver of Hearing is Attached)*

**Name of Offender:** David Doyle

**Case Number:** SD/TX 5:03CR01161-001

**Name of Sentencing Judicial Officer:** Keith P. Ellison, Southern District of Texas

**Date of Original Sentence:** September 17, 2003

**Original Offense:** Possession of a Schedule IV Controlled Substance, flunitrazepam (Rohypnol)

**Original Sentence:** 3 Years Probation with the following special conditions: 1) The defendant shall participate in a program, inpatient or outpatient for the treatment of drug and/or alcohol addiction, dependency or abuse which may include, but not be limited to urine, breath, saliva and skin testing to determine whether the defendant has reverted to the use of drugs and/or alcohol. Further, the defendant shall participate as instructed and as deemed necessary by the probation officer and shall comply with all rules and regulations of the treatment agency until discharged by the Program Director with the approval of the probation officer. The defendant shall further submit to such drug-detection techniques, in addition to those performed by the treatment agency, as directed by the probation officer. The defendant will incur costs associated with such drug/alcohol detection and treatment, based on ability to pay as determined by the probation office.; 2) The Court ordered that the defendant complete In-Patient Treatment Program at Gosnold in Cape Cod in Falmouth, MA . Failure to complete program shall be deemed a violation of terms of probation.; 3)The defendant is required to perform 200 hours of community service as approved by the probation officer to be completed within the first two years of supervised release term; \$100 Special Assessment.

**Type of Supervision:** Probation

**Date Supervision Commenced:** September 17, 2003

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**PETITIONING THE COURT**

- To extend the term of supervision for years, for a total term of years  
 To modify the conditions of supervision as follows:

**The defendant is to serve two (2) months in home detention with electronic monitoring and pay a fee of \$3.47 for each day under electronic monitoring.**

**CAUSE**

On 1/12/04 Mr. Doyle was stopped by Boston Police for traveling at an estimated speed of 60 to 70 miles per hour on a 30 mile per hour roadway. Upon speaking with Mr. Doyle, officers detected a strong odor of an alcoholic beverage coming from Mr. Doyle's breath. Officers then performed a field sobriety test on Mr. Doyle, who could not state the date, place, time or alphabet correctly. Due to adverse weather conditions and Mr. Doyle's unsteadiness on his feet, the remainder of the field sobriety test was not attempted. Mr. Doyle was placed under arrest for Operating a Motor Vehicle while Being Under the Influence of Alcohol. Subsequently, Mr. Doyle was transported to the Massachusetts State Police Barracks and administered an initial Breathalyzer Exam which scored at 0.17% with a final exam and result of 0.16%. The case has been continued to February 20, 2004.

**Request for Modifying the  
Conditions or Terms of Supervision  
with Consent of the Offender**

On January 15, 2004 Mr. Doyle reported to the U.S. Probation Office for an Administrative Hearing with Supervising U.S. Probation Officer Julius Britto. It was decided that as sanction for Mr. Doyle's violation of his standard and special conditions he would be required to participate in two months of home detention with electronic monitoring. In addition, Mr. Doyle will be referred to outpatient substance abuse counseling. Mr. Doyle voluntarily signed the attached Waiver of Hearing to Modify Conditions to include the period of home detention with electronic monitoring.

Reviewed/Approved by:

J - H Britto  
Julius H. Britto  
Supervising U.S. Probation Officer

Respectfully submitted,

By

A - J Laudate   
Andrew J. Laudate  
U.S. Probation Officer  
Date: January 21, 2004

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**THE COURT ORDERS**

- No Action
- The Extension of Supervision as Noted Above
- The Modification of Conditions as Noted Above
- Other

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Signature of Judicial Officer

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Date

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PROB 49

Waiver of Hearing to Modify Conditions  
of Probation/Supervised Release or Extend Term of Supervision

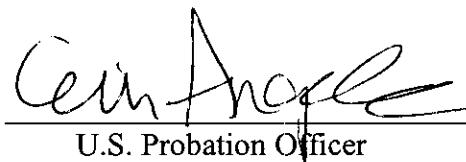
**UNITED STATES DISTRICT COURT**  
**for the**  
**DISTRICT OF MASSACHUSETTS**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel', I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

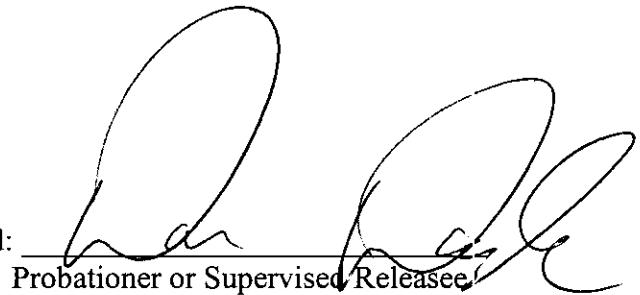
I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

**The defendant is to serve two (2) months in home detention with electronic monitoring and pay a fee of \$3.47 for each day under electronic monitoring.**

Witness:

  
Celia Angelle  
U.S. Probation Officer

Signed:

  
Probationer or Supervised Releasee

1/16/04

DATE